



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 17 2013

Mr. Reed Super  
Super Law Group LLC  
131 Varick Street, Suite 1033  
New York, New York 10013

OFFICE OF WATER

RE: Freedom of Information Act Request EPA-HQ-2013-007853

Dear Mr. Super:

This letter is an interim response to your Freedom of Information Act request of June 21, 2013, to the Environmental Protection Agency requesting records pertaining to the Biological Evaluation and the raw data files used to produce the BE that the EPA sent to the National Marine Fisheries Service and the U.S. Fish and Wildlife Service in June, 2013 related to EPA's 316(b) rulemaking. This letter and enclosed document is the EPA's partial response to your FOIA request. The enclosed document contains the requested BE. Please note that information contained in the BE that is still deliberative has been redacted.

The EPA is continuing to compile the data files used to produce the BE and will produce those documents under separate correspondence. You will receive administrative appeal rights in the final production.

Please contact Julie Hewitt at 202-566-1031 or [hewitt.julie@epa.gov](mailto:hewitt.julie@epa.gov) should you have any additional questions concerning this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert K. Wood", is positioned above the printed name.

Robert K. Wood, Director  
Engineering and Analysis Division

Enclosures: 316(b) Biological Evaluation (redacted version)